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In re Application of:

FRENKEN ET AL

Application No.: 09/737,476

Filed: December 18, 2000

For: PRODUCTION OF ANTIBODIES

Group Art Unit: 1638

Examiner: Collins, C.E.

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

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AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is an Amendment responding to the Office Action dated June 3, 2003.
2. Additional papers enclosed:

NOTICE OF APPEAL

12/04/2003 SDENBOB1 00000109 500310 09737476
01 FC:1253 950.00 DA

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 420.00	\$ 210.00
<input checked="" type="checkbox"/> three months	\$ 950.00	\$ 475.00
<input type="checkbox"/> four months	\$ 1,480.00	\$ 740.00

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Extension of time fee due with this request: \$950.00

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for _____ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))		minus		0	x \$18 each=	+ \$
Independent Claims (37 C.F.R. §1.16(b))		minus			x \$86 each=	+ \$
[] First presentation of Multiple dependent claim(s)					\$290.00	+ \$
SUB-TOTAL =						\$
Reduction by ½ for filing by a small entity						- \$
TOTAL FEE =						\$

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6. Fee Payment

- ☐ No fee is to be paid at this time.
- ☒ The Commissioner is hereby authorized to charge extension of time fee or additional fee for claims due to Deposit Account No. 50-0310.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.


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Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: December 3, 2003

By:


Bonnie Weiss McLeod
Reg. No. 43,255

CUSTOMER NO. 09629
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Telephone: (202) 739-3000
Facsimile: (202) 739-3001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Appeal to the Board of Patent Appeals and Interferences

PATENT
APPLICATIONIn re PATENT APPLICATION ofInventor(s): FRENKEN et al.Appln. No.: 09Series Code \uparrow 737,476Serial No. \uparrow Group Art Unit: 1638Examiner.: Collins, C.E.Atty. Dkt. 0561595042-US

Filed: December 18, 2000

Title: PRODUCTION OF ANTIBODIES

Date: December 3, 2003

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza, Lobby, Room 1B03
Arlington, VA 22202

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Sir:

1. ☒ **NOTICE OF APPEAL:** Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision (not Advisory Action) dated June 3, 2003 of the Examiner twice/finally rejecting claim(s) in this application or in this application and its parent application.
2. ☐ **BRIEF** on appeal in this application attached in triplicate (extendable up to 5 months).
3. ☐ An **ORAL HEARING** is respectfully requested under Rule 194 (due two months after Examiner's Answer- unextendable).
4. ☐ Reply Brief is attached in triplicate (due two months after Examiner's Answer - unextendable).
5. ☐ "Small entity" statement filed: ☐ herewith. ☐ previously.
6. ☐ Fee **NOT** required if/since paid in prior appeal in which the Board of Patent Appeals and Interferences did not render a decision on the merits (35 USC 134).

7. FEE CALCULATION

	Large/Small Entity	Fee Code
If box 1 above is X'd, enter	\$330/165	\$330 119/219
If box 2 above is X'd, enter	\$330/165	\$0 120/220
If box 3 above is X'd, enter	\$290/145	\$0 121/221
If box 4 above is X'd, enter nothing	- 0 - (no fee)	
8. Original due date: September 3, 2003		
9. Petition is hereby made to extend the original due date (1 mo) \$110/\$55	\$	115/215
to cover the date this response is filed for which the (2 mos) \$420/\$210		116/216
requisite fee is attached. (3 mos) \$950/\$475	\$950	117/217
(4 mos) \$1,480/\$740		118/218
(Usable only if box 2 is X'd--- 5 mos) \$2,010/\$1,005		128/228
10. Enter any previous extension fee paid <input type="checkbox"/> previously since above		
Original due date (item 8); <input checked="" type="checkbox"/> with concurrently filed amendment.....	\$950	
11. Subtract line 9 from line 8 and enter: Total Extension Fee		+\$
12. TOTAL FEE ATTACHED =		\$330

(Our Deposit Account No. 50-0310)(Our Order No. 056159 5042-US)

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M#

CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official Document under Rule 20, or credit any overpayment, to our Accounting/Order Nos. shown above, for which purpose a duplicate copy of this sheet is attached.

This **CHARGE STATEMENT** does not authorize charge of the issue fee until/unless an issue fee transmittal sheet is filed.

12/04/2003 SDENB0B1 00000109 500310 09737476

02 FC:1401 330.00 DA

Morgan Lewis & Bockius

1111 Pennsylvania Avenue, N.W.

By: Atty: Bonnie Weiss McLeodReg. No. 43,255

Washington, D.C. 20004

Tel: (202) 739-3000

Customer No. 09629Sig: Bonnie Weiss McLeod

Fax: (202) 739-3001

Atty/Sec: BWM/mah

Tel: (202) 739-6150

NOTE: File this cover sheet in duplicate with PTO receipt (PAT-103A) and attachments